

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AARON M. HOLCOMB,

Plaintiff,

v.

LINDA S. MCMAHON, Commissioner  
of Social Security,<sup>1</sup>

Defendant.

No. CV-06-0179-CI

ORDER GRANTING JOINT MOTION  
FOR STIPULATED REMAND  
PURSUANT TO SENTENCE FOUR OF  
42 U.S.C. 405(g)

BEFORE THE COURT is the parties' stipulated Motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings. (Ct. Rec. 19). The parties have consented to proceed before a magistrate judge. (Ct. Rec. 7). After considering the stipulation of the parties,

**IT IS ORDERED** that the above-captioned case be **REVERSED** and **REMANDED** to the Commissioner of Social Security for further

<sup>1</sup> As of January 20, 2007, Linda S. McMahon succeeded Defendant Commissioner Jo Anne B. Barnhart as Acting Commissioner of Social Security. Pursuant to FED. R. CIV. P. 25(d)(1), Commissioner Linda S. McMahon should be substituted as Defendant, and this lawsuit proceeds without further action by the parties. 42 U.S.C. § 405 (g).

ORDER GRANTING MOTION  
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1 administrative proceedings pursuant to sentence four of 42 U.S.C. §  
2 405(g). On remand, the administrative law judge (ALJ) will further  
3 consider Plaintiff's back impairment under the guidelines in 20  
4 C.F.R. § 416.920; further evaluate the opinion evidence from  
5 Plaintiff's treating, examining, and nonexamining physicians,  
6 including the opinions of Leslie Waters, M.D., and Clark Ashworth,  
7 Ph.D., providing the weight accorded the opinions; and further  
8 evaluate Plaintiff's substance abuse under the guidelines in 20  
9 C.F.R. 416.935 and Public Law 104-121. On remand, Plaintiff's  
10 subsequent November 2006 application will be consolidated with this  
11 case. The ALJ will take any other actions necessary to develop the  
12 record, and issue a new decision.

13 **IT IS FURTHER ORDERED:**

14 1. The parties' joint Motion for Remand (**Ct. Rec. 19**) is  
15 **GRANTED** and the matter is **REMANDED** to the Commissioner for  
16 additional proceedings in accordance with this order and pursuant to  
17 sentence four of 42 U.S.C. § 405(g).

18 2. Judgment shall be entered for the PLAINTIFF.

19 3. An application for attorney fees may be filed by separate  
20 motion.

21 The District Court Executive is directed to enter this Order,  
22 forward copies to counsel, and thereafter shall close this file.

23 DATED January 29, 2007.

24  
25 S/ CYNTHIA IMBROGNO  
26 UNITED STATES MAGISTRATE JUDGE  
27  
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